

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14654 of Robert Lehmann, pursuant to Section 3107.2 of the Zoning Regulations, for variances from the provisions of Section 2500.4 to allow construction of a two story accessory building and Section 2500.5 to allow use of the second story of the proposed construction as a recreation room in an R-2 District at premises 5208 - 41st Street, N.W., (Square 1740, Lot 40).

HEARING DATE: July 30, 1987

DECISION DATE: July 30, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 5208 41st Street, N.W., is located on the west side of 41st street, between Ingomar and Harrison Streets. The site is located in an R-2 District.

2. The site is rectangular in shape with a frontage of 50 feet along 41st Street, and a depth of 120 feet. The site is improved with a three story structure and a detached garage, both constructed in 1917. The garage, located at the rear of the site, is accessed by a driveway from 41st Street. It is in dilapidated condition.

3. The R-2 District extends to the north, south and west of the site. An R-1-P District is located to the east of the site. The area is developed with single-family detached dwellings.

4. Pursuant to Section 3107.2 of the Zoning Regulations the applicant is seeking variances from the provisions of Section 2500.4 to allow construction of a two story accessory building and Section 2500.5 to allow the use of the second story of the proposed structure as a recreation room.

5. The proposed structure will measure 24 feet by 36 feet by 23 feet in height.

6. The family room addition cannot be constructed at the rear of the principal structure as an addition would block windows required for habitable space in the structure and such an addition would obstruct access to the garage.

7. The addition will have a mansard roof on the east and west facades to reduce the appearance of bulk.

8. Advisory Neighborhood commission 3E submitted no report on the application.

9. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence that the applicant has met the requirements of Section 3107.2 of the Zoning Regulations. Sub-section 2500.5 which provides that an accessory building shall not exceed one story or 15 feet in height except as provided in Subsection 2500.3 provides that an accessory private garage may have a second story used for living quarters of domestic employees of the family occupying the main building.

The Board concludes that the applicant has met the burden of proof. The family room addition cannot be constructed at the rear of the principal structure where it could be permitted as a matter-of-right by the Zoning Regulations since the addition would block windows required for habitable space in the structure. The Board notes that if the family room addition were constructed separately from the garage, the allowable lot occupancy for the site would be exceeded and access to the garage would be obstructed.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that the accessory building be constructed in accordance with the plans marked as Exhibit No. 6 of the record and modified to include mansard roof treatment on both the eastern and western facades of the structure.

VOTE: 5-0 (Charles R. Norris, Lindsley Williams, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

OCT 7 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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